

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C) .No. 18298 of 2007 (C)

PETITIONER:

N.NANDAKUMAR, MANAGING PARTNER,
M/S.SHASTHA ENTERPRISES, BEACH ROAD,
KOLLAM 691 001.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:

1. THE EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, NEW DELHI.
2. THE REGIONAL PROVIDENT FUND
COMMISSIONER, BHAVISHYANIDHI BHAVAN,
PATTOM PALACE P.O., THIRUVANANTHAPURAM 695 004.
3. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, BHAVISHYANIDHI BHAVAN,
PATTOM PALACE P.O., THIRUVANANTHAPURAM 695 004.
4. THE RECOVERY OFFICER,
BHAVISHYANIDHI BHAVAN, PATTOM PALACE P.O
THIRUVANANTHAPURAM 695 004.

BY SC SMT.T.N.GIRIJA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.18298 of 2007

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Dated this the 14th day of June, 2007

J U D G M E N T

The petitioner challenges coercive proceedings for recovery of damages for delay in payment of Provident Fund contributions under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act. Against the impugned orders demanding the amounts, the petitioner has already filed appeals before the Employees Provident Fund Appellate Tribunal. The petitioner has also moved application for waiver of pre-deposit of the amount as also for stay of recovery. The petitioner submits that it is unjust on the part of respondents 2 to 4 to take coercive proceedings while the appeals are pending.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the Provident Fund Organization.

3. In the facts and circumstances of the case, I direct the 1st respondent to dispose of the appeals as expeditiously as possible. Till the disposal of the appeals, further proceedings for recovery shall be kept in abeyance on condition that the petitioner pays 50 per cent of the amounts demanded as per the orders which are pending in appeal before the Appellate Tribunal. The Appellate Tribunal shall take the payment of 50 per cent as sufficient for waiver of pre-deposit of the amounts due.

Writ petition is disposed of as above.

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S.SIRI JAGAN, JUDGE